



April 10, 2009

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## ENGROSSED HOUSE BILL No. 1311

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DIGEST OF HB 1311 (Updated April 8, 2009 1:04 pm - DI 104)

**Citations Affected:** Noncode.

**Synopsis:** Hearing aid assistance study. Requires the office of the secretary of family and social services, the department of education, and the state department of health to study the need for a hearing aid refurbishing program and study specified issues related to Indiana children who are hearing impaired and the level of need for hearing aid assistance. Requires the agencies to report the findings of the study to the health finance commission for the commission's review during the 2009 interim.

**Effective:** Upon passage.

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### Goodin, Fry, Murphy, Bosma

(HOUSE SPONSOR — LAWSON C, LEWIS)

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January 13, 2009, read first time and referred to Committee on Insurance.  
February 2, 2009, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.  
February 17, 2009, amended, reported — Do Pass.  
February 23, 2009, read second time, amended, ordered engrossed.  
February 24, 2009, engrossed.  
February 25, 2009, read third time, passed. Yeas 99, nays 0.

SENATE ACTION

March 2, 2009, read first time and referred to Committee on Health and Provider Services.  
April 9, 2009, amended, reported favorably — Do Pass.

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April 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1311

A BILL FOR AN ACT concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE UPON PASSAGE] (a) As used in this  
2       SECTION, "commission" refers to the health finance commission  
3       established by IC 2-5-23-3.

4       (b) The office of the secretary of family and social services, the  
5       department of education, and the state department of health shall  
6       study the need for a hearing aid refurbishing program through  
7       which hearing aids that are no longer used by eligible children and  
8       other individuals are collected and refurbished for the use of other  
9       individuals.

10       (c) The following information must be studied by the agencies  
11       described in subsection (b) before September 1, 2009:

12           (1) The number of children in Indiana who are hearing  
13           impaired, and the number of children whose hearing loss rises  
14           to the level of need for a hearing aid.

15           (2) The number of children who:

16               (A) own a working hearing aid;

17               (B) have a hearing aid that is not functioning properly; and

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- 1           (C) are hearing impaired to the level of needing a hearing  
 2           aid and do not own a hearing aid.  
 3           (3) The assistance available for children who are hearing  
 4           impaired.  
 5           (4) The average cost of hearing aids for children.  
 6           (5) The benefits children receive in using a hearing aid.  
 7           (6) The proper agency to administer a hearing aid assistance  
 8           program and a hearing aid refurbishing program.  
 9           (7) Any other information an agency in subsection (b) deems  
 10          relevant to the issue of children who are hearing impaired.  
 11          The agencies must consult with experts in this area in performing  
 12          the study.  
 13          (d) Upon completion of the study, the agencies described in  
 14          subsection (b) shall report the findings to the commission.  
 15          (e) The commission shall review and study the agencies' findings  
 16          during the 2009 interim.  
 17          (f) This SECTION expires December 31, 2009.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 20-20-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]:

**Chapter 37. Hearing Aids for School Corporation Students Program**

**Sec. 1.** As used in this chapter, "fund" refers to the hearing aid fund established by section 2 of this chapter.

**Sec. 2.** The hearing aid fund is established for the purpose of providing funding to school corporations for payment for hearing aids for hearing impaired students of the school corporation.

**Sec. 3.** The fund shall be administered by the department.

**Sec. 4.** The fund consists of appropriations from the general assembly, gifts, bequests, and other sources of funding.

**Sec. 5.** The expenses of administering the fund shall be paid from money in the fund.

**Sec. 6.** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

**Sec. 7. (a)** Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**(b)** There is annually appropriated to the department from the fund an amount sufficient for the purposes of this chapter.

**Sec. 8. (a)** A school corporation may at any time apply to the department for funding from the fund to pay for a hearing aid that is:

**(1)** prescribed:

**(A)** by a physician who is licensed under IC 25-22.5; and

**(B)** to a hearing impaired student of the school corporation; and

**(2)** prescribed, fitted, and dispensed for the student by an audiologist who is licensed under IC 25-35.6.

**(b)** The department shall, upon receipt of an application made

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under subsection (a), provide payment from the fund for the hearing aid.

**Sec. 9.** The department shall give funding priority to applications under this chapter for students who are less than fourteen (14) years of age.

**Sec. 10. (a)** The department shall create a hearing aid refurbishing program through which hearing aids that are no longer used by school corporation students and other individuals are collected and refurbished for the use of other individuals.

**(b)** The department may enter into an agreement with another organization to implement this section.

**SECTION 2. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]**  
There is appropriated to the hearing aid fund established by IC 20-20-37 three million dollars (\$3,000,000) from the higher education commission operating account for purposes of implementing IC 20-20-37, as added by this act.

**SECTION 3. An emergency is declared for this act."**

Delete pages 2 through 3.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1311 as introduced.)

FRY, Chair

Committee Vote: yeas 7, nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1311, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 28 through 32.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1311 as printed February 3, 2009.)

CRAWFORD, Chair

Committee Vote: yeas 22, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1311 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JULY 1, 2009]".

Page 1, line 1, delete "IC 20-20-37" and insert "**IC 12-8-15**".

Page 1, line 4, delete "37." and insert "**15.**".

Page 1, line 4, delete "Aids for School Corporation Students" and insert "**Aid Assistance**".

Page 1, between lines 5 and 6, begin a new paragraph and insert:

**"Sec. 1. As used in this chapter, "eligible child" means a child enrolled in a public school, accredited nonpublic school, or nonaccredited nonpublic school in kindergarten through grade 12."**

Page 1, line 6, delete "1." and insert "**2.**".

Page 1, line 7, delete "2" and insert "**3**".

Page 1, line 8, delete "2." and insert "**3.**".

Page 1, line 9, delete "funding to school corporations for payment for hearing" and insert "**hearing aid assistance to eligible children.**".

Page 1, delete line 10.

Page 1, line 11, delete "3." and insert "**4.**".

Page 1, line 11, delete "department." and insert "**office of the secretary.**".

Page 1, line 12, delete "4." and insert "**5.**".

Page 1, line 14, delete "5." and insert "**6.**".

Page 1, line 16, delete "6." and insert "**7.**".

Page 2, line 3, delete "7. (a)" and insert "**8.**".

Page 2, delete lines 5 through 6.

Page 2, line 7, delete "8." and insert "**9.**".

Page 2, line 7, delete "A school corporation" and insert "**The parent or guardian of an eligible child**".

Page 2, line 8, delete "department" and insert "**office of the secretary**".

Page 2, line 12, delete "a hearing impaired student of the school" and insert "**an eligible child;**".

Page 2, line 13, delete "corporation;".

Page 2, line 14, delete "student" and insert "**eligible child**".

Page 2, line 16, delete "The department shall," and insert "**Subject to subsection (c) and any standards for the program developed by the secretary, the office of the secretary may,**".

Page 2, between lines 18 and 19, begin a new paragraph and insert:

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**"(c) Payment for a hearing aid under this program may be made only if the applicant satisfies the requirements of the program and cannot be reimbursed for the hearing aid under any of the following:**

- (1) A policy of accident and sickness insurance (IC 27-8-5).**
- (2) A health maintenance organization contract (IC 27-13).**
- (3) Medicaid (IC 12-15).**
- (4) Children's health insurance program (IC 12-17.6).**
- (5) The federal Medicare program or any other federal assistance program that provides reimbursement for hearing aids."**

Page 2, line 19, delete "9." and insert **"10."**

Page 2, line 19, delete "department" and insert **"office of the secretary"**.

Page 2, line 20, delete "students" and insert **"eligible children"**.

Page 2, line 22, delete "10." and insert **"11."**

Page 2, line 22, delete "department" and insert **"office of the secretary"**.

Page 2, line 24, delete "school corporation students" and insert **"eligible children"**.

Page 2, line 26, delete "department" and insert **"office of the secretary"**.

Page 2, delete line 28, begin a new paragraph and insert:

**"Sec. 12. A public or nonpublic school may identify eligible children and assist the parents or guardians of those children in submitting applications to the office of the secretary under this chapter."**

(Reference is to HB 1311 as printed February 17, 2009.)

TURNER

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1311, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Page 1, delete lines 1 through 17.

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Page 2, delete lines 1 through 32.

Page 2, line 33, delete "Sec. 11.", begin a new paragraph and insert: "SECTION 1. [EFFECTIVE UPON PASSAGE]".

Page 2, line 33, after "(a)" insert **"As used in this SECTION, "commission" refers to the health finance commission established by IC 2-5-23-3.**

(b)".

Page 2, line 33, delete "shall create" and insert **"of family and social services, the department of education, and the state department of health shall study the need for"**.

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

**"(c) The following information must be studied by the agencies described in subsection (b) before September 1, 2009:**

- (1) The number of children in Indiana who are hearing impaired, and the number of children whose hearing loss rises to the level of need for a hearing aid.**
- (2) The number of children who:**
  - (A) own a working hearing aid;**
  - (B) have a hearing aid that is not functioning properly; and**
  - (C) are hearing impaired to the level of needing a hearing aid and do not own a hearing aid.**
- (3) The assistance available for children who are hearing impaired.**
- (4) The average cost of hearing aids for children.**
- (5) The benefits children receive in using a hearing aid.**
- (6) The proper agency to administer a hearing aid assistance program and a hearing aid refurbishing program.**
- (7) Any other information an agency in subsection (b) deems relevant to the issue of children who are hearing impaired.**

**The agencies must consult with experts in this area in performing the study.**

**(d) Upon completion of the study, the agencies described in subsection (b) shall report the findings to the commission.**

**(e) The commission shall review and study the agencies' findings during the 2009 interim.**

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**(f) This SECTION expires December 31, 2009."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1311 as reprinted February 24, 2009.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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